**DOG CONTROL BILL 1979**

**Legislative Council, 13 February 1979, pages 2524-6**

Second reading

Received from the House of Assembly and read a first time.

**The Hon. T. M. CASEY (Minister of Lands):** I move: That this Bill be now read a second time.

This Bill gives effect to the recommendations of the Select Committee of the House of Assembly on the Report of the Working Party on Containing, Control and Registration of Dogs. The Bill provides for the repeal of the Registration of Dogs Act, 1924-1975. That Act primarily provided for the registration of dogs by councils.

This Bill provides for registration of dogs by councils but, in addition, imposes obligations on councils designed to ensure that more effort is devoted to the problems associated with wandering and abandoned dogs and nuisances caused by dogs. The Bill also creates a number of new offences relating to the control of dogs by persons liable for their control and provides more effective remedies for those persons adversely affected by the actions of dogs.

The Bill requires the annual registration of any dog with the local council or, in the case of the north of the State, with the nearest police station. The fee for registration is to be fixed by regulation, but it is intended that it will be $10 for the first registration of a dog by any person and $5 thereafter, with a half fee for working dogs and dogs owned by pensioners. It is proposed that a registered dog will be required to be identified by a registration disc attached to a collar or by tattooing of the ear of the dog. The latter requirement will apply only to dogs that are not fully grown, and it is considered that it can be effected for little expense and without causing undue pain to such dogs. The Bill proposes that each council be required to individually or jointly with another council establish a pound and appoint an officer who is to be engaged in the enforcement of the Act upon a full-time basis.

The Bill provides that a council may, instead of establishing a pound, enter into an arrangement with the Animal Welfare League or the Dogs’ Rescue Home for the use of their pounds. The Bill includes provisions that are designed to ensure that councils apply the revenue earned from the administration of the Act only for that purpose. To this end, the Bill provides for the establishment of a body to be known as the Central Dog Committee whose function will be to receive and distribute a percentage of registration fees received by councils and any surplus of the income of councils over their expenditure. These moneys are to be distributed by the committee to the Royal Society for the Prevention of Cruelty to Animals and towards the cost of establishing, operating, and maintaining dog pounds. The committee is also to conduct a continuing public education programme in relation to the proper control and keeping of dogs.

As already stated, the Bill creates a number of new offences in relation to the control of dogs. These include permitting a dog to be in a shop or the yard of a school, abandoning a dog, permitting a dog to attack a lawful entrant to premises, failing to remove any faeces dropped by a dog in a public place, permitting a dog to cause a nuisance to neighbours, and failing to properly treat an infected or diseased dog. The Bill provides for the expiation of the penalties for a number of these offences in the same way as applies in the case of parking offences. The Bill also provides for the licensing by councils of kennels within their areas. I seek leave to have the explanation of the clauses inserted in Hansard without my reading it. Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the Bill. Clause 4 provides for the repeal of the Registration of Dogs Act and section 5 of the Alsatian Dogs Act which fixes the fee for registration of Alsatian dogs at $4. Clause 5 sets out the definitions of terms used in the Bill.

Clause 6 provides that each council is to enforce the measure within its area and that the measure is to be enforced in the north of the State by the police. Clause 7 requires each council to appoint a dog-control warden or to do so jointly with another council. The clause requires the dog-control warden to be engaged in the enforcement of the measure on a full-time basis. Under this clause a council is also empowered to appoint other authorised persons who may exercise enforcement powers under the measure. Clause 8 provides that an authorised person appointed by a council may exercise the powers of an authorised person in the area of the council, while police officers may enforce the measure anywhere within the State.

Clause 9 protects authorised persons from personal liability for the exercise of their powers in good faith. Clause 10 requires each council to appoint a registrar of dogs. Clause 11 requires each council to individually or jointly establish a dog pound or to enter into an arrangement with the Dogs’ Rescue Home, the Animal Welfare League or other body prescribed by regulation for the use of private pounds. Clause 12 requires each council to keep separate accounts of its receipts and payments in relation to the administration of the measure. Under the clause each council is required to pay a percentage of its dog registration fees to the Central Dog Committee and any surplus of its receipts over its payments.

Clause 13 provides for the establishment of the Central Dog Committee which is to be a body corporate. Clause 14 provides that the committee is to be constituted of eight members, three of whom shall be nominees of the Minister, and the remaining members being nominees of the South Australian Canine Association, the Local Government Association, the R.S.P.C.A., the Institute of Municipal Administration, and the Australian Veterinary Association, respectively.

Clause 15 provides for the term of office of members of the committee. Clause 16 provides for the remuneration of members of the committee. Clause 17 regulates the procedure at meetings of the committee. Clause 18 provides for the validity of acts of the committee and protection from personal liability for its members. Clause 19 provides for the due execution of documents by the committee. Clause 20 provides that the functions of the committee are to be to receive and apply moneys in accordance with clauses 21 and 23, to advise the Minister, and to promote and disseminate information as to the proper keeping and control of dogs.

Clause 21 provides for the moneys of the committee. Clause 22 empowers the committee to invest any surplus moneys in a manner approved by the Treasurer. Clause 23 provides that the committee’s moneys are to be applied towards its administrative costs, then in payment of a prescribed percentage to the R.S.P.C.A. and lastly in payment towards the operation costs of dog pounds. Clause 24 provides that an arrangement may be entered into with the Local Government Association under which that body would provide the committee with the administrative facilities that it requires. Clause 25 provides for the keeping and audit of the accounts of the committee.

Clause 26 provides that any person liable for the control of a dog shall be guilty of an offence if the dog is unregistered. This provision does not apply in relation to dogs under three months of age or dogs kept by certain bodies or classes or persons. Clause 27 provides for the registration of dogs by councils, or, in the case of dogs to be kept in any part of the State not within the area of a council, by the police.

Clause 28 provides for the issue of registration discs upon the registration of dogs already registered at the commencement of the measure or dogs of a class prescribed by regulation. Any other dogs are required by this clause to be tattooed in a prescribed manner upon their registration. Clause 29 provides that registration shall expire on the thirtieth day of June in any year. Clause 30 provides for the maintenance and public inspection of registers. Clause 31 provides for the replacement of lost registration discs. Clause 32 requires notification of any change of ownership of a registered dog.

Clause 33 requires dogs other than tattooed dogs or dogs engaged in any work or training or sporting exercise to have a collar on and a registration disc attached to the collar. Clause 34 sets out the persons who are liable for the control of a dog both for the purposes of offences against the measure and civil proceeding in relation to any damage or nuisance caused by the dog. Clause 35 provides that where a dog is found wandering at large the person liable for the control of the dog shall be guilty of an offence.

Clause 36 provides that a dog found wandering at large may be seized and either returned to the owner or detained at a pound. The clause requires that public notice must be given of the seizure and detention of a dog and that, if a dog is not claimed or is diseased or infected, it may be destroyed. Clause 37 empowers authorised persons to enter premises either with the consent of the owner or occupier or under a warrant issued by a justice of the peace. Clause 38 empowers an authorised person to require a person to give his name and address. Clause 39 provides that the person liable for the control of a dog shall be guilty of an offence if the dog is in any shop or the grounds of any educational institution without the permission of the principal.

 Clause 40 provides that the person liable for the control of a dog shall be guilty of an offence if the dog is in any premises used for the preparation or consumption of food. Clause 41 provides that the person liable for the control of a dog shall be guilty of an offence if the dog chases any vehicle. Clause 42 provides that any person who abandons a dog shall be guilty of an offence. Clause 43 provides that any person having the control of a dog who fails to remove any faeces dropped by the dog in a public place shall be guilty of an offence.

Clause 44 provides that the person liable for the control of a dog shall be guilty of an offence if the dog attacks any person or other animal. Any person who sets a dog on another person or animal owned by another person is also, under this clause, guilty of an offence. Clause 45 provides that the person liable for the control of a dog shall be guilty of an offence if the dog attacks a lawful entrant to the premises in which the dog is being kept. Clause 46 provides for the destruction of dogs attacking any person’s animal or worrying any livestock. The clause also provides for the laying of poisoned baits.

Clause 47 imposes a duty upon any person liable for the control of a dog to take reasonable precautions against the dog becoming infected or diseased, and to cause the dog, if it becomes infected or diseased, to be examined by a veterinary surgeon or stock inspector. Under this clause a veterinary surgeon or stock inspector may direct the destruction of any infected or diseased dog. Clause 48 requires that greyhounds be muzzled if in any public place unless they are being trained for or participating in any race, trial or show.

Clause 49 provides that it shall be an offence for a person to suffer or permit a dog to cause a nuisance to a neighbour. Proceedings for this offence are to be commenced only by the local council and following a complaint that the council believes to be justified. Clause 50 empowers a court to order the destruction of a dog that it finds is unduly mischievous or dangerous. Clause 51 regulates the effect of the measure on other Acts and civil remedies. Clause 52 provides that for the purposes of any civil action in respect of damage caused by a dog it shall not be necessary to prove that the dog had a previous mischievous propensity.

Clause 53 protects persons from any liability for measures taken for the destruction of a dog in accordance with the provisions of this measure. Clause 54 empowers the blind to be lawfully accompanied by a guide dog in public places and vehicles. Clause 55 provides that it shall be an offence to hinder or obstruct an authorised person. Clause 56 provides that it shall be an offence to provide certain false information. Clause 57 empowers councils to make by-laws limiting the number of dogs, or dogs of a specified breed, that may be kept on any premises in any specified area. Subclause (2) provides for exemptions from the requirements of such by-laws.

Clause 58 provides for the grant of licences to keep kennels. Clause 59 provides that it shall be an offence to unlawfully kill or injure a dog or to cause unnecessary pain or suffering to a dog. Clause 60 provides a general defence in respect of offences against the measure. Clause 61 provides for certain evidentiary matters. Clause 62 provides for the summary disposition of proceedings for offences against the measure.

Clause 63 provides that penalties for offences prosecuted by or on behalf of a council be paid to the council. Clause 64 provides for the expiation of certain offences against the measure. Clause 65 provides for continuing offences. Clause 66 empowers the making of regulations.

The Hon. M. B. DAWKINS secured the adjournment of the debate.